

## **REMARKS**

Before addressing the rejections, Applicants would like to briefly summarize their inventive contribution to the art. The present invention is directed to a film that can be coated with an additive, which is transferred to a product during cook-in, while avoiding the handling, waste, inefficiency, and contamination generated by the conventional steps of unpackaging, smoking, and repackaging as described in the BACKGROUND of the subject application. The claimed film resulted from the discovery that films can be uniformly coated with certain binders in a form which are resistant to dissolution during the conditions of use. Such binders, together in some embodiments with a crosslinking agent, facilitate the initial adhesion of the additive to the film, control the rate of release of the additive to a packaged food product, and also provide for the adherence of the coating to the food product during the cook-in step. (See, e.g., page 4, lines 10-15 of the application).

The result is that the additive-containing coating is present on the film in a form which prevents or reduces smearing of the coating when, for example, a coated film casing is filled with the meat product. The coating also prevents or reduces the tendency of the additive to flow when the product is cooked inside of the casing, which would otherwise result in an uneven distribution of the additive. This is because the binders as described in the claims hold the additives securely prior to cooking, but then release the additives during cook-in, so that the meat product is flavored/colored in a desired manner and degree, without having to unpackage, treat, and repackage the product. (Page 4, lines 15-21 of the application).

Claims 40-58 stand rejected under 35 USC §103(a) as being unpatentable over Gribbin et al. (US Pat. No. 4,942,088) in view of Lundquist et al. (US Pat. No. 2,410,089).

Gribbin is directed to a reclaimable polyester film with an adhesion-promoting coating (abstract). The coating is a polymerizate of a carboxy-functional polymer with additional epoxy groups, and at least one copolymerizable  $\alpha$ - $\beta$ -olefinic unsaturated monomer (col. 3, lines 16-25). The coating may further include protective colloids and additives such as antioxidants (col. 3, lines 52-55; col. 9 lines 1-2). A light-sensitive coating may be applied to the adhesion-promoting coating to form a reprographic film (col. 9, lines 41-46). The light-sensitive coating may include a resinous binder such as cellulose acetate (col. 9, lines 46-52).

Lundquist discloses a coating of a pressure-sensitive adhesive formed by the copolymerization of vinyl acetate with esters of maleic acid and/or fumaric acid (col. 1, lines 1-5; col. 2, lines 6-10; col. 2, lines 42-46; col. 3, lines 41-44). The copolymerization reaction may be carried out via an emulsion reaction whereby the reaction products are obtained in a dispersed form (col. 3, lines 44-47). In this case, a small amount of protective colloid, e.g., methyl cellulose or gelatin, may be added to stabilize the dispersion. The dispersion is subsequently wet-coated onto a paper or other backing material, and then dried to produce a dry pressure-sensitive adhesive sheet (see, e.g., Example 1).

The Office takes the position that it would have been obvious to use gelatin or cellulose, as taught by Lundquist, in the coating composition of Gribbin, for the purpose of enhancing stabilization of the adhesive composition.

In response, Applicants point out that the claimed multilayer film calls for a "binder" in the first layer. As defined in Applicant's

specification, a “binder” is a substance that “adheres to an additive and/or a surface comprising a thermoplastic polymer and/or a protein-containing product, such as meat” (page 13, lines 23-25). The protective colloid taught by Lundquist, on the other hand, is not a binder as claimed. Instead, Lundquist teaches adding “a small amount of protective colloid ... to stabilize the dispersion” (col. 3, lines 60-63). Such stabilization facilitates both the copolymerization between vinyl acetate and maleic acid and/or fumaric acid esters and also the subsequent coating and uniform distribution of the dispersion onto a backing material (col. 3, lines 40-47; paragraph bridging cols. 5-6). Thus, the protective colloid is effective as a processing aid during preparation of the final product, but performs no function once the dried final product is obtained. Moreover, being present in only a “small amount,” the protective colloid of Lundquist could not effectively function as a binder in the final product.

In contrast, the binder as claimed performs its function of adhering the described layers and their components together in the final, cook-in film product to achieve the above-described advantages when the film is used for cook-in packaging.

Accordingly, Applicants respectfully submit that the combination of Gribbin and Lundquist would not constitute the claimed multilayer films, i.e., would not meet all the limitations as recited in independent claims 40 and 53.

Additionally, claim 40 calls for an additive in the third/outermost layer<sup>1</sup>. As explained above and in the specification, such an additive is transferred to a meat product during cook-in. In contrast, although Gribbin discloses the use of antioxidant additives, such use is only for

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<sup>1</sup> The third layer is “outermost” relative to the first layer, as the first layer is positioned between the second and third layers as recited in claim 40.

the base coating, not for the outermost reprographic film coating. Although the claimed first layer may also contain an additive (see, e.g., claim 42), claim 40 requires that an additive be present in the third layer, which corresponds to Gribbin's non-additive-containing reprographic film coating. Accordingly, the combination of Gribbin and Lundquist does not meet all the limitations as recited in claim 40 for this additional reason.

With respect to claim 53, such claim calls for a first layer comprising a "binder composition." The binder composition comprises a "first binder" and a "second binder", with each binder being selected from separate groups of binder materials as set forth in claim 53. Such a "binder composition" is neither taught nor suggested in Gribbin or Lundquist. Gribbin does not disclose any binder for the base coating. While Lundquist discloses a protective colloid material such as gelatin or methyl cellulose, it does not disclose a binder, much less a binder composition comprising two separate binders selected from either of the groupings of binder materials as recited in claim 53.

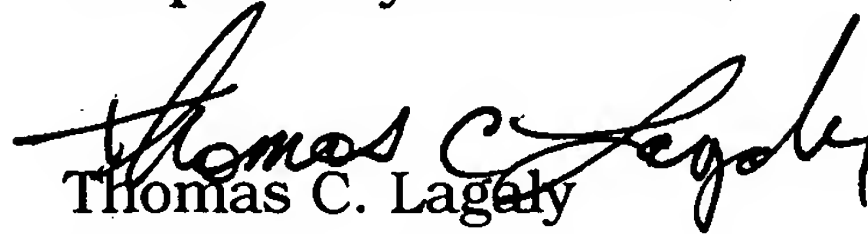
Accordingly, Applicants respectfully submit that the combination of Gribbin and Lundquist does not meet all the limitations of claim 53 for at least this additional reason.

Finally, submitted herewith is a Terminal Disclaimer to overcome the obviousness-type double patenting rejection of claims 40-58 over claims 1-28 of US Pat. No. 6,667,082.

For all of the foregoing reasons, Applicant submits that all of the claims as currently presented are patentably distinct from the references

of record and are, therefore, in condition for allowance. A Notice of Allowance is earnestly solicited.

Respectfully submitted,



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